

REMARKS

I. Introduction

In view of the above amendments and the following remarks, reconsideration of the rejections and objections contained in the Office Action of September 18, 2009 is respectfully requested.

By this amendment, claims 1-4, 6-19, 21-25, and 27-35 have been amended and claims 5, 20, and 34-35 have been cancelled without prejudice or disclaimer to the subject matter contained therein. Claims 1-4, 6-19, and 21-33 are now pending in the application. No new matter has been added by these amendments.

The specification has been reviewed and revised. No new matter has been added by these revisions. Entry of the specification amendments is respectfully requested.

II. Drawings

On page 2 of the Office Action, the drawings are objected to. Specifically, the objection reads “The drawings are objected to because the appearance of arm 8 is inconsistent with the appearance of arm 8 in the other figures.” Applicants respectfully traverse this objection for two reasons. First, Applicants are unaware of any portion of the MPEP or other precedent which gives a basis for requiring that the appearance of a certain component be consistent throughout the figures; to the contrary, components are often depicted in patent disclosures as having different shapes so as to illustrate different possible configurations of the disclosed invention. Second, Applicants are unable to determine which drawings the Examiner considers to be inconsistent, and would thus be unable to correct the figures based on the objection as stated in

the Office Action even if such a correction were warranted. In view of the above, Applicants respectfully request withdrawal of the objection to the drawings.

III. Objections to the Specification

On page 3 of the Office Action, the specification is objected to regarding minor informalities. The specification has been amended to overcome these informalities; withdrawal of the objections is thus respectfully requested.

IV. Claim Objections

On page 5 of the Office Action, claims 10 and 34 are objected to regarding minor informalities. Claim 10 has been amended to correct the informality and claim 34 has been cancelled; withdrawal of these objections is thus respectfully requested.

V. 35 U.S.C. § 112

Beginning on page 5 of the Office Action, claims 6, 14-31, 33, and 35 are rejected as being indefinite. Each of the unclear recitations has been amended so as to be clear and definite; withdrawal of these rejections is thus respectfully requested.

VI. Double Patenting

On page 7 of the Office Action, claims 8 and 34 of the present application are rejected under statutory double patenting as being substantial duplicates of each other, and claims 33 and 35 of the present application are rejected under statutory double patenting as being substantial duplicates of each other. This rejection is believed to be moot in view of the cancellation of

claims 34 and 35; withdrawal of the objection is thus respectfully requested. Moreover, Applicants submit that while it is proper to object to duplicate claims, there is no basis for making a double patenting rejection based solely on the pending application; a statutory double patenting rejection requires at least one issued patent as a basis for the rejection and a nonstatutory obviousness type double patenting requires at least one other copending application as a basis for the rejection.

VII. Prior Art Rejections

Currently, claims 1 and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Boutaghuo et al. (US 6,134,076), claims 1, 3, 8, 9, 14, 15, 17, 22, 23, 25-30 and 32-35 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kuwajima et al. (US 2004/0240116), claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Boutaghuo et al., claims 4, 16 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuwajima et al., and claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuwajima et al. in view of Freeman et al. (US 7,337,452) and further in view of Blumentritt et al. (6,292,333).

On page 15 of the Office Action, claims 10-13 are allowed and claims 5-7, 19-21, and 24 are indicated as containing allowable subject matter. Claims 3, 6, 17, 19, 21, and 24 have been rewritten in independent form, the allowable subject matter of claim 5 has been incorporated into independent claim 1, and the allowable subject matter of claim 20 has been incorporated into independent claim 14. As such, all of the pending claims except claims 3 and 17 include subject matter which has been indicated as being allowable by the Examiner. Minor changes have been made to the claims to improve the form thereof; Applicants submit that these changes do not

substantially affect the scope of the claims. Accordingly, allowance of all of the pending claims except claims 3 and 17 is believed to be in order based on the indications of allowable subject matter in the Office Action.

With respect to claims 3 and 17, these claims are allowable over Kuwajima et al. and the remaining prior art of record for at least the following reasons. Each of claims 3 and 17 require a head holding plane portion for holding the tab portion; a load side projecting portion formed on a loading side of the head holding plane portion; and an unload side wall face formed on a unloading side of the head holding plane portion, wherein a load side wall face having an angle perpendicular to the head holding plane portion is formed on the loading side of the head holding plane portion, and wherein a head upper wall face extends directly from the load side wall face and forms a face opposed to the head holding plane portion.

On pages 9-10 of the Office Action, it is asserted that the stepped side surface (14d) in figure 5 of Kuwajima reference corresponds to the load side wall face of the present invention, and that the lower face of cover portion (42) of Kuwajima corresponds to the head upper wall face of the present invention. However, each of claims 3 and 17 have been amended to require that the head upper wall face *extends directly from* the load side wall face and forms a face opposed to the head holding plane portion. In Kuwajima the stepped side surface (14d) is separated from the cover portion (42) by second plane (14e) and vertical wall (14f). Because Kuwajima does not disclose a head upper wall face extending directly from the load side wall face and forming a face opposed to the head holding plane portion, Kuwajima cannot meet the requirements of claims 3 and 17.

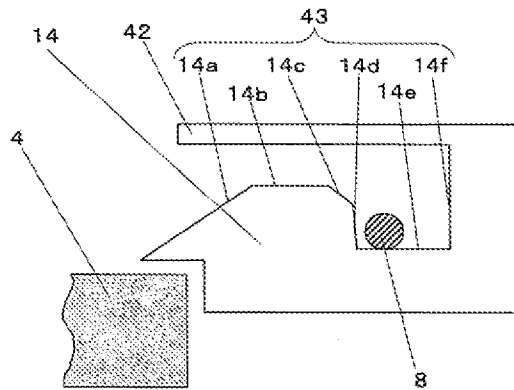


Figure 5 of Kuwajima (US 2004/0240116)

Further, it appears that there would have been no reason to modify any of the prior art of record to yield a configuration which would meet the requirements of the claims 3 and 17. It is thus submitted that the invention of the present application, as defined in claims 3 and 17, is not anticipated nor rendered obvious by the prior art, and yields significant advantages over the prior art. Allowance is respectfully requested.

In view of the foregoing amendments and remarks, inasmuch as all of the outstanding issues have been addressed, Applicants respectfully submit that the present application is now in condition for allowance, and action to such effect is earnestly solicited. Should any issues remain after consideration of the response, however, the Examiner is invited to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,

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